

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GARLAND HENDERSON,

Plaintiff,

v.

CLARK COUNTY SCHOOL DISTRICT,

Defendant.

Case No. 2:15-cv-01500-APG-NJK

ORDER

(Mot Exempt ENE – (Dkt. #18))

Before the court is Defendants’ Motion to Exempt Individual Defendants from ENE Conference (Dkt. #18) filed September 29, 2015. The court has considered the Motion (Dkt. #18), Plaintiff’s Response (Dkt. #24), and Defendant’ Reply (Dkt. #25).

The Defendants’ motion requests that individual Defendants Steve Conaway, Tracy Manzano, and Darryl Fields, be excused from the ENE as they are employees of Defendant Clark County School District (“CCSD”). As such, they will be covered under any settlement with CCSD, and therefore, their presence is not necessary.

Plaintiff opposes the motion stating that the motion was untimely filed pursuant to LR 16-6(c) as individual Defendants Conaway, Manzano and Fields appeared in this action in their motions to dismiss on September 8, 2015, and the deadline to file a request for exemption was due by September 17, 2015. Plaintiff further opposes the motion by stating that the individual Defendants are the only ones who can address their treatment of Plaintiff, and as such, those claims cannot be settled against the individual Defendants without their presence at the ENE.

Defendants respond by stating that that the motion was timely filed as it was filed on September 29, 2015—seven days after the order scheduling the ENE for January 13, 2016 was entered.

1 Defendants are correct that LR 16-6(c) refers to requests to exempt entire matters from  
2 the ENE process rather than requesting exemptions of attendance at an ENE. Defendants also  
3 state that the claims asserted against Conaway, Manzano and Fields, which are the same claims  
4 asserted against CCSD, occurred in the course and scope of Defendants doing their jobs. As  
5 such, CCSD is required to indemnify these defendants under state law if they are found liable  
6 and CCSD is the entity that will pay any verdict or settlement.

7 Having reviewed and considered the matter and for good cause shown,

8 **IT IS ORDERED** that Defendants' Motion to Exempt Individual Defendants from ENE  
9 Conference (Dkt. #18) is **GRANTED**.

10 DATED this 26nd day of October, 2015.

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13 PEGGY A. LEEN  
14 UNITED STATES MAGISTRATE JUDGE  
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